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5 *Attorneys for Creditor Carolyn Stark*

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7 **UNITED STATES BANKRUPTCY COURT**  
8 **DISTRICT OF NEVADA**  
9

10 In Re:

11 CARL LACKEY

12 Debtor.

Case No. 23-50403-hlb

Chapter 7

**EX PARTE MOTION FOR ORDER  
AUTHORIZING RULE 2004  
EXAMINATION OF CRAIG M.  
BURKETT**

***[NO HEARING REQUIRED]***

15  
16 Carolyn Stark, Creditor herein, (the “Movant”) by and through her attorney, WOLF,  
17 RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP., hereby submits this ex parte motion (the  
18 “Motion”) for the examination of Craig M. Burkett. Mr. Burkett may possess knowledge related  
19 to the Debtor’s acts, conduct, or property or to the liabilities and financial information provided in  
20 the Debtor’s Schedules submitted to the Bankruptcy Court by Debtors in his 2023 Bankruptcy  
21 Petition.

22 This examination pertains to the Debtor’s acts, conduct, assets and liabilities, financial  
23 statements, and other information, set forth in the Debtor’s Schedules, including without limitation  
24 the establishment of a GoFundMe site and Heritage Bank account for the benefit of the Debtor.

25 In Support of her Motion, Movant, respectfully represents as follows:

26 1. The Federal Rules of Bankruptcy Procedure (“Fed.R.Bankr.P.”) provide that an  
27 examination may be secured by an ex parte motion. Fed.R.Bank.P.2004(a).

28 2. Upon the motion of any party-in-interest, the Court may order the examination of

1 any entity, and the attendance of any entity for examination and for production of documents may  
2 be compelled as provided in Fed.R.Bankr.P.9016 for the attendance of a witness at a hearing or  
3 trial. Fed.R.Bankr.P.2004(a)(c).

4 3. Local Rule 2004(b) for the United States Bankruptcy Court for the District of  
5 Nevada (“Local Rules”) provides that orders for examination may be signed by the clerk if the  
6 date set for examination is more than fourteen (14) days from the date such motion is filed.

7 4. In compliance with Local Rule 2004(b), the proposed date for the requested  
8 examination is more than fourteen (14) days from the date this motion was filed.

9 5. Rule 2004(c) of the Local Rules provides that the production of documents may be  
10 obtained via subpoena as provided by Fed.R.Civ.P. 45(a)(1)(C) as adopted by Fed.R.Bankr.P.  
11 9016.

12 6. Movant requests that the Rule 2004 Examination of Craig M. Burkett be conducted  
13 on October 3, 2023, beginning at 10:00 a.m., at Sunshine Litigation Services and Technologies.,  
14 located at 151 Country Estates Circle, Reno, Nevada 89511. A copy of the proposed subpoena for  
15 Rule 2004 Examination (which may be modified or supplemented) is attached hereto as **Exhibit**  
16 **“2”**.

17 7. The Motion is made to permit the Movant to examine Craig M. Burkett on matters  
18 which relate to “the acts, conduct or property or to the liabilities and financial condition of the  
19 debtor, or to other matters which may affect the administration of debtor’s estate...”  
20 Fed.R.Bankr.P.2004(b).

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1 WHEREFORE, Movant respectfully requests that this Court enter an Order pursuant to  
2 Fed.R.Bankr.P.2004 and Local Rule 2004 authorizing Carolyn Stark to conduct the Rule 2004  
3 Examination of Craig M. Burkett and for such other and further relief as the Court deems just and  
4 proper. A copy of the proposed Order is attached hereto as **Exhibit "1"**.

5 Accordingly, Movant respectfully requests the entry of an order granting this motion.

6 DATED: September 11<sup>th</sup>, 2023

7 WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
8 RABKIN, LLP

9 By



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**LIST OF EXHIBITS**

Exhibit 1 Proposed Order

Exhibit 2 Proposed Subpoena for Rule 2004 Examination of Craig M. Burkett

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of September, 2023, a true and correct copy of **EX PARTE MOTION FOR ORDER AUTHORIZING RULE 2004 EXAMINATION OF CRAIG M. BURKETT**, was served via the United States Bankruptcy Court CM/ECF system on all parties or persons requiring notice.

By /s/ Carolyn Bott  
Carolyn Bott, an Employee of  
WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
RABKIN, LLP